

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Gerald Lee Scott, a/k/a Gerald L. Scott,	)	
and Timothy P. McCarty,	)	C/A No.: 8:06-3484-MBS
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Mark Sanford, Governor; Thomas	)	<b>ORDER</b>
Edwards, County Administrator; and	)	
Lane Cribb, Sheriff of Georgetown,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Gerald Lee Scott is a pretrial detainee at the Georgetown County Detention Center (GCDC). Plaintiff, appearing pro se, alleges claims of “ineffective counsel, “lack of bail bond,” overcrow[d]ed jail condition,” “no access to law book,” lack of court sessions,” “die[t]ary problems, “one hour recreation,” “mold and mildew growing on the walls,” delay in receiving mail, and prohibition against the use of ink pens. See generally Complaint, pp. 3-4. Plaintiff has placed the name of another plaintiff in the caption of the complaint. That individual did not sign the complaint or submit a statement of assets to the court.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act. On January 4, 2007, the Magistrate Judge filed a Report and Recommendation in which she recommended that Plaintiff’s claims with respect to pretrial detention and pretrial proceedings be dismissed under Heck v. Humphrey, 512 U.S. 477 (1994); that the other inmate in the caption, Timothy P. McCarty, be dismissed; and that Governor Mark Sanford be

dismissed as a defendant because he was not personally involved in the events giving rise to this action. The Magistrate Judge further recommended that all habeas claims be dismissed without prejudice, all claims raised on behalf of other inmates be dismissed without prejudice, and that all claims pertaining to Plaintiff's conditions of confinement proceed. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. Accordingly, Plaintiff's claims with respect to pretrial detention and pretrial proceedings are dismissed under Heck v. Humphrey, 512 U.S. 477 (1994); Timothy P. McCarty is dismissed without prejudice; Governor Mark Sanford is dismissed without prejudice; all habeas claims are dismissed without prejudice, and all claims raised on behalf of other inmates are dismissed without prejudice. Those claims pertaining to Plaintiff's conditions of confinement shall proceed. The case is recommitted to

the Magistrate Judge for further pretrial handling.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

February 8, 2007.

Columbia, South Carolina